

**SPECIAL MEETING OF THE CITY COMMISSION
8TH FLOOR CONFERENCE ROOM
CITY HALL**

WEDNESDAY, JULY 16, 2003

Chairman Naugle called the meeting to order at approximately 2:04 p.m. Roll was called and a quorum was present.

Present: Chairman Naugle
Vice Chairman Moore
Commissioner Teel
Commissioner Trantalis
Commissioner Hutchinson

Absent: None

Also Present: City Manager
City Attorney
City Clerk

Motion made by Vice Chairman Moore and seconded by Commissioner Hutchinson to approve the minutes of the February 18, 2003, March 18, 2003, April 8, 2003, April 22, 2003, May 6, 2003, May 20, 2003, June 3, 2003 and June 17, 2003 Regular CRA Meetings. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Chairman Naugle. NAYS: None.

Flagler Heights – NE 6th Street Right-of-Way Acquisition

Kim Jackson, CRA Director, stated that the options were well-described in the Commission's backup materials. She continued stating that they had reviewed the various options available regarding the build-out of NE 6th Street. In previous discussions, they had decided with the limited budget, what would be the best way to build-out a streetscape that would have enough impact, but at the same time making sure they would not expend more funds than necessary, especially regarding acquisition or eminent domain. She stated that Urban Group, consultants, had assisted them in working on this matter. She explained that appraisals had been done on the south side of the street, and in order to save money they had not done the north side, but knew the figures were fairly accurate.

Ms. Jackson further stated that in looking at the worst case scenario, if they acquired every piece of property through an eminent domain process, the numbers would be extreme. She stated if there was only \$1.5 Million budgeted for acquisition, what would it cost if they only did partial acquisitions using eminent domain, and the numbers were still very high. She advised there was still a lot of speculation in the area, and some of the property owners felt if the CRA desired the property, then they would pay for it.

Ms. Jackson explained that at the advisory board meeting a different approach had been taken which was that there would be no eminent domain at this point in time, and that they would utilize the funds available which was \$1.5 Million. She stated they would go and talk to the property owners, and offer through their finance plan to construct \$3 Million worth of streetscape for NE 6th Street at the CRA's expense. She stated if the property owners wanted to work with them and sell their land, they would construct the on-street parking, lighting, and sidewalks, and if they decided not to work jointly with the CRA, then they would do nothing in front of their property. Since this was on the Broward County Transit Way Plan, at some point when they built, they would have to dedicate their land and at their expense they would have to build it out.

Ms. Jackson stated if that was the option chosen by the Commission, then they would have to instruct Urban Group to proceed to acquire as much property as possible with the available funds, and then go into full design based on the acquisition, and finally proceed with construction.

Vice Chairman Moore stated if the land was involved with Broward County's Transit Way expansion, if they made the acquisition and improved the streetscape, could the County not do the same to the City as they could do to the property owners.

Ms. Jackson stated that the way the transit plan was right now, the County was waiting for the CRA to recommend a design, and at that point if the County approved the design, it would then become the new plan. She stated that if they had a design with a 70' right-of-way with 20' on the south and 10' on the north, and it was accepted by the County and they went into design and built it, then the property owners who did not sell or donate at that time would be confined to the new plan which had been approved. She explained that since it was a County road, the County had to approve the plan.

Vice Chairman Moore stated he was concerned if they did the 70' and Broward Transit decided to utilize it for a roadway, would that be possible since they had agreed to the proposed plan. Ms. Jackson explained that if they agreed to the plan, as long as they owned the road, she believed they could do whatever they desired. She further stated that if they agreed to a plan, and the CRA built it out, would the County have the ability to do that and not compensate, she was not sure.

The City Attorney stated that the County did not often follow the plans they approved.

Chairman Naugle stated that was a good point and he was not sure how to deal with such a situation.

Vice Chairman Moore asked if the CRA Advisory Board had given such a matter any thought when presenting their recommendation.

Stan Brown, Chairman of the CRA Advisory Board, stated they had not thought about such a situation.

Ms. Jackson asked if they should contact the County and see if there was some type of agreement that could be put into place.

The City Attorney stated if the County would give them an irrevocable license that could be done, or they could go back for a reclassification of the roadway.

Vice Chairman Moore stated he felt that would be the answer because he felt the entire corridor from Federal Highway to the city limits to the west should be the City's jurisdiction. He felt that should be the case especially due to the type of infrastructure they were going to construct. He stated that they were not a priority for the County's transit concept, but they were a priority to their own. He felt if such an investment was going to be made along this corridor, then the best step was to "be the Captain of their own ship." He stated he did not know if that would cause any type of delay, but he felt it would be a valid position to explore.

The City Manager stated that when he looked at a roadway as being classified as the City's and it being an acquisition of an asset, he pointed out that there were also liabilities involved with the asset. He asked the Commission to let them explore the pros and cons of changing the classification, vis a vis, an irrevocable license as mentioned by the City Attorney as an alternate option. He stated that he did not feel enough information had been given to make such a decision. He stated that he was not sure if it would delay matters, and they would also explore that situation. He asked if it would be left strictly up to the County as to whether they would even entertain a reclassification of any given roadway.

The City Attorney stated that he thought the State Department reclassified roadways according to State Statute, along with other criteria.

Vice Chairman Moore stated that he felt the liability was a valid point they should also address. He stated that part of the equation of the liability would be the reduction of their tax base, the impact of the aesthetics of the roadway, and the methodology as to controlling the necessity of the parking required so the investment of the private sector could take place. He felt when adding the

liability, they should also add the liability of the facts as they stood today and the County presently controlling the roadway. He stated that with the current form of government in Broward County, there was only one Commissioner that would have an impact election wise on the roadway. He felt the Commissioners should listen to the "call of the community," so when the investment and design were necessities the people would have a voice in their representation.

Commissioner Trantalis asked if it would be possible to have a joint venture for such a project with the County. He felt it was an extreme step to seek a reclassification, and it could take forever for it to happen, along with the ramifications that could be tied with it. He felt this matter could not be voted on at this time until some of questions could be further researched. He further asked what would happen if there were some reluctant property owners, and would they proceed with the street improvements and create a sort of "hodge-podge" effect in the area.

Ms. Jackson stated that in essence the answer was that there could be a "patchwork" effect if some of the property owners refused to sell. She felt if it were extreme that no one wanted to sell, they would come back and propose another alternative. She stated that if enough acquisitions were done and enough streetscape done, the impact and development that it would "spur" would outweigh the few pieces that would not have the improvements. She felt there was no other way other than to give it to them or take it from them, and they did not recommend giving away anything for free.

Chairman Naugle remarked that this was a good strategy and part of this might be a gamble and the matter would have to be revisited, but at least they would not be obligated to do the improvements.

Mr. Brown stated that there was an opportunity to go in parallel paths, but if they aggressively worked with contracts and then returned in September, they could also provide such additional knowledge and possibly bring things closer together. He felt it was important to consider the matter this way because various things had taken place in the area in the last 6 months. He remarked they would not be spending any acquisition monies in the process.

Vice Chairman Moore stated that in reading the back-up material, he felt an interesting approach was having the property owners voluntarily allowing them to do what was necessary. He felt that possibly they would be "muddying" the water by putting out the \$1.5 Million before the acquisitions because the adjoining property owners had been waiting for this and there could be possible "hold-outs" thereby forcing eminent domain acquisitions. He asked if the advisory board had made any deliberations to that effect.

Mr. Brown stated that the CRA was franchised to do something and that was how they got to where they were presently. He stated that several owners had

suggested that they could cooperate since value would be received in exchange. He reiterated that they did not really know the true answers, but the fact was that the plan had been around for 6-12 months and no one had come around and stated "here's my land." He felt they needed to go to the next step and advise these owners of the bottom line.

Vice Chairman Moore asked if anyone was present at today's meeting who owned property from Andrews Avenue to Federal Highway where this project was being proposed. There were two individuals in the audience. Vice Chairman Moore asked to hear their opinions in regard to this proposal.

Genie Pere, 600 NE 5 Avenue, stated that she had not been approached other than from the standpoint that Barbara Matlock had asked for her input. She advised that she had a parking lot with 14 spaces that faced NE 6th Street, and if their plan progressed no back-out parking would be permitted which would mean she would not have her spaces. She stated she was not uncomfortable about the 10' and realized it would be a great improvement. She further stated that one solution which had been presented to her was that they might acquire the property to the north, move the historic house, and build her a lot at that site. Then, they could take the 10' and she would landscape from where the City stopped to her building. She stated if that was going to be done, she wanted to be advised when because she wanted to pave the other portion of her building at the same time.

Peter Feldman stated that this project had been dear to his heart for the better part of 20 years. He thought it was a well-thought project. He further stated that when they had workshopped with the County, it was understood that Sistrunk Boulevard and 6th Street would be a unified pedestrian friendly street from Federal Highway to the City limits. He stated that this project was very important to the redevelopment of that area and hoped they would support the project. He advised that he would be the first to donate property to this project.

Chairman Naugle stated that a lot of thought had been put into this project, and they were still not sure if it would work. He felt that one of the driving forces in this project was the commitment of JPI to make the improvements, but that was contingent upon them having the funds.

Vice Chairman Moore stated he did not see any reason why they could not meet their commitment to JPI. He felt if this was worked simultaneously, things would work out.

Chairman Naugle asked if they wanted to move forward simultaneously and obtain commitment from the County that they could not come in and tear apart the project once things were done.

Vice Chairman Moore suggested that it be done in a way that would be most efficient for them. He reminded everyone about the liability issue and that it needed to be addressed. Vice Chairman Moore also stated that if necessary the County was to give the roadway to the City.

Motion made by Vice Chairman Moore and seconded by Commissioner Hutchinson that the CRA Board task the Urban Group to begin negotiations with the property owners based on a full 70' build out and negotiate on a parcel-by-parcel basis any option that would allow the CRA to cure for property damages, and obtain assurance from the County regarding this plan.

Ms. Jackson clarified that when they suggested that negotiations begin did they mean actual negotiations or to "contract with." She explained they had intended to go out and begin contacting the property owners.

Chairman Naugle read the motion as stated, and also remarked that entering into contracts was also fine. Commissioner Trantalis stated it was subject to the understanding that the County could not diminish their efforts. Vice Chairman Moore stated he would like for them to obtain contracts on price for the acquisitions with the understanding that there was still the opportunity of weighing the County's movement.

Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Chairman Naugle. NAYS: None.

Preparation of Precinct Plan for Flagler Heights

Kim Jackson, CRA Director, stated that they had reviewed the workshop which had been held on Monday regarding the type of urban design guideline framework that was created. She stated that they wanted to coordinate with that effort and move forward with the "precinct plans" for the Flagler Heights area, and that funding was currently available for this in the CRA budget. She stated they had contracted with four different architectural firms, one of which could be hired immediately. She recommended that they move forward as quickly as possible to hire one of the architects to create the precinct plan for the entire Flagler Heights.

Vice Chairman Moore stated that he wanted to make it very clear that he was not in favor of hiring the individuals who had made the presentation on Tuesday.

Chairman Naugle asked which architect they were considering on hiring. Ms. Jackson remarked the firm with the most experience in this type of work was Glatting Jackson. She stated that all four would be reviewed before contracting the work.

Motion made by Commissioner Hutchinson and seconded by Vice Chairman Moore to authorize CRA staff to negotiate and execute a task order not to exceed \$100,000 with a professional services consultant to prepare a precinct plan for Flagler Heights, along with proposed code amendments to codify and regulate future development for that portion of Flagler Heights. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Chairman Naugle. NAYS: None.

Vice Chairman Moore stated that as a point of information every time individuals came up with a concept, another study was recommended within that study.

Konover/Agreement for Disposition and Development of Property Between CRA and Broward Barron, Inc. – (1) Assignment to Riverbend Corporate Office Park of Fort Lauderdale, LLC; and (2) Third Amendment to the Development Agreement.

Motion made by Vice Chairman Moore and seconded by Commissioner Hutchinson to approve: (1) an assignment of the Agreement for Disposition and Development of Property between the Fort Lauderdale CRA and Broward Barron, Inc., to Riverbend Corporate Office Park of Fort Lauderdale, LLC; and (2) a third amendment to the Agreement for Disposition and Development of Property between the Fort Lauderdale CRA and Broward Barron, Inc. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Chairman Naugle. NAYS: None.

Vice Chairman Moore stated that due to actions of the Commission this past Tuesday evening regarding the development of this site, he asked when the contract stated that the closing would be held.

Chairman Naugle remarked they were to be in receipt of a check within 14 days. Ms. Jackson remarked it stated 15 days after the approval.

Vice Chairman Moore stated they were glad this took place and asked when the clock started ticking. Charlie Ladd stated the clock started today. Vice Chairman Moore asked if they should be aware of any information regarding the closing, and what the consequences would be if things were not accomplished within the 15-day period.

The City Attorney explained they would be in breach of the contract, and the matter would go before the CRA Board for their determination.

Mr. Ladd stated that the rezoning was the fastest he had ever seen, and pressure had been placed on them to get their items finished so the closing could occur. He reiterated that the schedule was tight, but they were doing everything they could to make the deadline. He further stated that there was one issue which arose regarding the 30-day appeal rights under the rezoning. He explained

that he had called the bank and their attorneys to see whether this would delay closing the loan and was awaiting their information.

Vice Chairman Moore stated they had no control over that matter, but did have control over the contractual arrangement they had agreed to, and the 15-day period was placed for a reason because they wanted a partner. He stated they wanted to remove anything that would delay the redevelopment of the site. He stated they had the will to have this development occur. He further stated that he did not feel the call-up provision had any merit in the discussion.

Commissioner Trantalis reiterated that there appeared to possibly be circumstances beyond Mr. Ladd's control. Mr. Ladd reiterated this was a potential issue and would keep the Board informed of the situation.

Vice Chairman Moore stated that when this zoning concept was discussed, they had stated that it could be as early as July, and it was up to them to do their part.

Sale and Purchase Contract from James L. Kidwell - \$1.7 Million Henry's Retirement Home – 2137 NW 4th Street

The City Manager stated that this was a connection between the proceeds and what was necessary for the acquisition. He felt the back-up material was self-explanatory. He explained that this property had been there for quite a while, and the acquisition was the key to them realizing the build-out and redevelopment for the entire area.

Kim Jackson, CRA Director, proceeded to show an aerial of the property, along with a geographic map of the site.

Commissioner Hutchinson left the meeting at approximately 2:38 p.m.

Ms. Jackson proceeded to explain the color coding of the map as follows: Blue – Bank of America Development Site; Pink – Lennar/Bob Young Development Site; and Green – Streetscape Improvement. She stated that this property was strategic for the area. She explained that once the property was acquired, the buildings would be demolished and then they would discuss with the Advisory Board the property's best use. Since the area was rezoned to residential, the question would be as to whether there should be single-family residences or townhomes, and how to best lay out the site before putting it out for bid. Today, she stated they wanted to request to move forward with the contract. The current suggestion regarding funds would be to use proceeds from the Konover property.

Stan Brown, Chairman of the CRA Advisory Board, stated that the aerial photographs did not show the amount of pain this property brought to the area.

Chairman Naugle stated he felt they needed to buy the property and the price was acceptable based on the amount of income the property has as a retirement home. He felt they needed to discuss the source of the funds. He stated that they had used assets of the City to acquire the Konover property, and it was their intention that the City would get their money back when the property was sold. He further stated that in this case he was not sure if they could recover the funds when the property was sold. He stated that he wanted to move ahead with the purchase, but possibly they should consider finding a portion of the funds from another source. He asked what they thought the prices would be for single-family homes per lot at this site.

Commissioner Hutchinson returned to the meeting at approximately 2:40 p.m.

Ms. Jackson stated that their only costs would be the ones generated from Bank of America and Lennar that were extensive, but it was difficult to say the actual value without the new comps.

Chairman Naugle stated that the actual market value of the land for single-family properties would be about \$500,000 to \$600,000. Ms. Jackson agreed. Chairman Naugle suggested that possibly a portion of it could come from investment funds, and the remaining amounts from CRA funds by readjusting priorities.

Vice Chairman Moore stated that it amazed him the amount of concern everyone had when they began to acquire property in this section of the City. He stated this same type of conversation took place when they discussed the Konover site. He stated that the majority of the Commission at that time basically stated that they would not get their money back from the project because there would not be any value. Chairman Naugle disagreed. Vice Chairman Moore reiterated that it was the majority of the Commission who had such feelings, not everyone. He stated the property had been purchased with the view that they could lose regarding land costs. In this case, it showed the property was valued at what the City had put in it. He stated that in the CRA boundary within the last 6 years, they had been taking off the top from the North Broward Hospital District, the County, and other taxing districts in the County, except for the School Board. For years through the CRA, they had received a substantial return due to a "step of faith."

Vice Chairman Moore stated that this facility was a congregate living facility, but 4 pedophiles were living at the site today. He stated that the cause of the "cancer" was generated from the individuals not receiving supervision at this location. He stated if one looked to reprogram the CRA funds, a portion of the development would either stop or be delayed. He explained that most of the development in the CRA which had not happened was due to lack of incentive. He stated this should be a solid move by the Commission and there should be a pay back, but it should be done on what they believed in regarding the CRA which was that the increment would be high.

Chairman Naugle stated that it should be done in a way that if there was a deficit, the CRA would pay the City back, but if they were purchasing something knowing the money would not be recovered, that was not the purpose of the plan. He reiterated that he had been the author of the plan. He stated there were many comments made at the meeting saying that the money could be recovered, and he supported acquiring this property. He reiterated that he did not want to do anything that would be fiscally imprudent.

Vice Chairman Moore reiterated that he was only offering an alternative to the recommendation. He also stated that he had never stated that the Mayor did not support the CRA. He asked the Mayor to deal with what was said and not deal with his feelings. He continued stating that the methodology might have had a negative impact on the redevelopment, and therefore, was offering an alternative that the increment could be used to pay it back if they did not meet the gap.

Jim Brady, CRA Advisory Board, stated that there was nothing in their lifetime that would pay them back, and he did not think they could compare the situation to the Konover one because that was commercial to commercial. In this case, this was buying commercial property at commercial value, and then rendering it residential. He stated one could not make up the value under such circumstances, but they should not look at making the money back in that way. He stated the money was made across the entire community. He remarked the property in question degraded the entire neighborhood up to Flamingo, and they could not avoid purchasing this property. He suggested it be purchased out of the General Fund or whatever fund was available, and they should not go backwards and degrade the increment financing package by loading up on it, and taking the initiative away that was already built through the expenditure of such dollars, along with the promise of the expenditure of more dollars being spent. He reiterated that he was proud of the CRA Advisory Board.

Chairman Naugle stated that not pausing would be reckless and he approved Mr. Brady's emotional comments. He reiterated that the Commission had to be practical, and stated they were not arguing if they should purchase the property, but if purchased with investment income there had to be the realization that the money was to be returned.

Mr. Brady further stated that when the \$1.7 Million was spent, they would have it back twofold in less than 5 years.

The City Attorney stated that he wanted everyone to understand what was being done. He stated that a contract was given to the City to approve without identification for a source of funds, and no such contract could be signed. He reiterated that money could not be spent that was not available. He stated that the agenda item was prepared contingent upon the approval at a later date of the source of funds because they knew one possible source would be the Konover receipts. He explained that the contract called for a closing within 90 days, and

there was no write-up cancellation other than for inspection and testing. He stated that today they would be approving the contract in its present form with a contingency that makes it a counteroffer, and that contingency was the approval of a source of funds in order to acquire the property. The problem was that there was a contingency on the contract that it be accepted by 5:00 p.m. on July 16, 2003. He stated they could approve the contract contingent upon the source of funds which would be a counteroffer, give the contract to the owner to sign, and then find the source of funds as quickly as possible.

Chairman Naugle stated that he was not in favor of countering and giving them an out. He stated that he would favor approving the contract as long as a source of funds could be agreed upon.

The City Attorney stated that needed to be done before the contract was signed, otherwise it would be a counteroffer.

Vice Chairman Moore stated that a lot of thought had been given to this situation, and he was only suggesting there were other ways to do this other than the proposed recommendation. He felt they could do it through the future ability of the increment, and it would not really have to be used. He gave the example of the Sweeting Estates where the development rights had been bought down. He also stated that the City presently owned several lots further to the west of this site. He stated the commercial strips would become more valuable.

Chairman Naugle asked if everyone was comfortable using the Konover funds for the purchase of this property.

Terry Sharp, Finance Director, stated that the original source was the General CIP, and stated that he was concerned if the property was acquired for \$1.7 Million and then the structures had to be demolished or other improvements made to the site, then additional funds would be necessary. He stated he would be comfortable today saying there was \$1.7 Million available if the Konover money was received.

Chairman Naugle asked if they would expect to pay back the money to the General CIP fund. Mr. Sharp explained that it did not sound that way from this discussion, but was based upon the use of the property. Chairman Naugle asked if it would amount to a contribution from the General Fund. Mr. Sharp stated it would amount to another capital project.

Vice Chairman Moore suggested that they consider identifying the source of funds, and the Konover dollars be allocated for the acquisition of Henry's Retirement Home. He suggested that the increment dollars could be used at a later date if necessary.

Chairman Naugle reiterated that the source of funds still troubled him and he felt this was a departure from the normal practice. He hoped that the City Manager could offer some other alternative. He felt this type of accounting had gotten them into trouble previously.

Commissioner Trantalis clarified that the money to be used to buy this property would come from CRA funds. Ms. Jackson stated that was not correct. Commissioner Trantalis continued stating that comments had been made that the monies should come out of the General Fund or from other investment assets. Ms. Jackson stated that such statements had been made. Commissioner Trantalis stated that he needed to be comfortable knowing that this would not throw off the entire budget process.

Vice Chairman Moore stated that Commissioner Trantalis was not understanding the situation correctly. He explained that a few years ago they had used their investment monies to purchase the Konover site. He stated that money was to be reimbursed. He asked if it would make sense to continue to "prime the pump" of redevelopment with an asset not harming anyone for its use to make the acquisition, and at some future date the increment paid by the redevelopment.

Chairman Naugle asked due to increment from the area, along with the sale of the single-family homes, what amount would be brought in and how long would it take to pay back the \$1.1 Million. Ms. Jackson remarked that it was difficult to say because it depended on the houses and how much they sold for. She further stated that once Konover began to produce increment, the money was not included in the finance plan, and could be approximately \$2 Million once the entire site was developed on about \$200,000 in Phase I.

Vice Chairman Moore asked what type of return would they receive on the money used to purchase the Konover site.

Boe Cole, City Treasurer, stated that presently investments were at an all time low. He added that overnight funds were at .49%.

Vice Chairman Moore reiterated that whatever they did would be risky and there were no guarantees. He asked why they only wanted to deal with increment from the residential area, and suggested they also look to the commercial development which would thrive, along with the thriving of the Konover site. He stated it was the picture that was being painted that made people nervous. He felt it was not something to be nervous about and was a good business decision for them to utilize the asset to continue developing.

Chairman Naugle stated that one of the reasons he was concerned was that the General Fund was to give \$2.8 Million to the CRA, and now only were going to give them \$900,000. He stated that items would have to be readjusted and

reallocated. He reiterated that he was only attempting to look at the "big picture," and not get deeper in the hole.

Vice Chairman Moore left the meeting at approximately 3:12 p.m.

Commissioner Trantalis asked how long the CRA had been holding onto the land in the area. Ms. Jackson stated that in the last 1-2 years they had purchased the commercial properties, and had purchased the residential about 2 ½ years ago. She explained they were going to hold onto the residential properties because it was in the County and they needed to work with them regarding the redevelopment of the entire project. She stated that the Commission was approving RFP's for the commercial as presented, and she explained they were not holding them, but assembling them.

Commissioner Trantalis asked if there was a demand for the land already acquired. Ms. Jackson confirmed and did not think there would be a problem turning it back out into a good residential product. She added that the area had been rezoned, and therefore, had to be residential. Commissioner Trantalis asked if the tap would be made up from within the CRA. Ms. Jackson confirmed.

Vice Chairman Moore returned to the meeting at approximately 3:15 p.m.

Ms. Jackson remarked that monies were disbursed as needed in the City from the General Fund. She stated the monies had to stay within the CRA boundary, but did not have to be redirected to the area they came from. She stated that a broad way to look at things was that they had a strategic plan and a finance plan, and through the Advisory Board the monies were watched and decided where the funds should be placed strategically.

Chairman Naugle asked if the CRA today could agree that if there was any gap that the CRA would make up the difference over time. He suggested that an amendment be made stating that the Konover funds would be used, but would be backed up by the CRA, replenished from future increment monies.

Vice Chairman Moore stated that certain areas had been restricted which would have made the project more sound. He stated they had to accept what was politically doable at the time, and it cost them the carving out of a large portion of property that could have been of great value to the CRA. He reiterated that they were working within the parameters which were available at the time.

Commissioner Teel stated that she felt it was clear that they needed to purchase the subject property, but the only question she had was whether they were putting themselves in any jeopardy by not having a clear-cut answer regarding recovery of the funds. She stated it was obvious they would not recover the entire \$1.7 Million due to going from commercial to residential. She felt it was a

wise investment, but could that be used as criteria for the purchase of it and would they be putting themselves in jeopardy with any agency.

The City Manager stated that he did not think they would be in any jeopardy. He stated it was not always anticipated that one would get a dollar-for-dollar return, and felt they were well within the parameter of the spirit of the CRA, which was to spur development and attract future development so the return would be far greater than the original investment.

Commissioner Teel stated that possibly other opportunities might come along to help the pay back. She remarked this was a long-term goal and she was comfortable thinking about it in that way. She felt it was necessary to purchase this property.

Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Chairman Naugle. NAYS: None.

Proposed FY 2003/2004 CRA Budget and Revised Strategic Finance Plan

The City Manager stated this reflected the extension of the time frame to sell some bonds. He explained they were deferring the transfer of funds to the CRA in order to use the money more effectively for the next fiscal year. He stated they were not intending to do any irreparable harm to the strategic plan or the finance plan. He further stated that from time-to-time adjustments had to be made. He felt these adjustments would not have a negative impact on the overall current "crunch."

Vice Chairman Moore left the meeting at approximately 3:23 p.m.

Kim Jackson, CRA Director, stated that she was going to walk everyone through two main areas of the information distributed today regarding how this would affect the CRA. She stated that the information dated July 8th was the revised finance plan. She further stated that some of the numbers might not be completely up-to-date. She stated that the budget showing page "23" at the bottom were from last year's plan. She referred the Board to the line entitled "TIF Bond Proceeds." She explained that the total amount of bond to be expended was relatively the same, and it changed due to the bonds being spread out for several years. She stated that depending on when the funds were needed as to when the bonds would be sold.

Vice Chairman Moore returned to the meeting at approximately 3:25 p.m.

Ms. Jackson stated that advances from the City were to be \$3.9 Million and was to be spread out over 5 years, but the amount was now reduced to \$900,000. She stated this was a cash flow question as to whether it would work in the plan or not. She explained that the bottom three were what the funds would be

expended for such as infrastructure, land acquisition, and development assistance. She commented that on the budget dated July 8 the bulk of the expenditures were coming up either this year or the next fiscal year, and those were the large infrastructure improvements they had been discussing. The bulk was the \$6 Million for the streetscape improvements, the \$1.5 Million from Sweeting Estates, and the development assistance of \$4.5 Million which was the funding approved with major development for infrastructure and street improvements and were part of the incentive program. She explained that even though the bonds had not yet been sold, they had either contracted for them or spent them. She stated that the question was how to insure that a cash flow problem would not affect the projects.

Vice Chairman Moore stated these were recommendations of management at this time, and they had a number of weeks before we bundled. He felt they were being conservative when they stated within one year, and felt it needed to move sooner than that. He believed the momentum of this would heighten things and make them move quicker. He stated the question was where to put the \$3.9 Million.

Commissioner Hutchinson stated that she was concerned with the first item which had been deferred. She stated they had kept moving forward in the CRA with projects in light of the \$4 Million, and she felt it would affect their investment of \$45 Million, and would not be put where their largest investment was at this time, and things would end up on "hold."

The City Manager stated this was an advance from the City to the CRA. He explained that the cash flow needs of the CRA were anticipated, but a re-analysis showed that was not the case and would not be needed until after October 1, 2003. Nothing would be slowed down or delayed, and they had no intention of "back-pedaling" anything that had been done with the CRA.

Commissioner Hutchinson asked where the funds would come from later on. Vice Chairman Moore asked if this would be included in next year's budget.

Terry Sharp, Finance Director, stated that was confusing because they had never promised \$3.9 Million for next year and it was for over a 5-year period.

Vice Chairman Moore asked if the budget proposal for the upcoming year would cover this item. Mr. Sharp confirmed and stated they would pledge that the bonds would be sold. In regard to the \$18 Million, it was possible they would be sold in two chunks. He stated they did not want to sell bond money before it was to be utilized.

Chairman Naugle asked for a clarification of Item 23 and asked when it had been approved. Ms. Jackson stated it was before the Board in March, and the original plan had been approved in 2000. She explained that it had been modified every

year, and the last modification was in March. Chairman Naugle stated that it showed that the City was contributing in advance \$974,000, but for July the amount was left blank. Mr. Sharp stated it was to be refined in connection with balancing this year's and next year's budget. He stated they had removed \$818,000. Chairman Naugle asked if the CRA was going to receive the \$974,000. Mr. Sharp explained that they had budgeted \$974,000, but in dealing with the deficit of the current year, they looked to see what amount had to be advanced to the CRA, and they had anticipated a debt service payment which was not going to be made. He reiterated that he used that money to balance this year's budget. Chairman Naugle asked when authority had been given by the City Commission to do that switch. Mr. Sharp explained it was in their proposal which went to the Commission before Tuesday. He stated it was not yet "blessed" but was included in the plan.

Commissioner Hutchinson reiterated that this all was very troubling.

Vice Chairman Moore stated he did not know why people were being troubled by all this because he did not feel the budget situation they were in could have been prevented due to reasons stated by management and the media. Since they were in such a position, they now needed to evaluate the present allocation of funds.

Chairman Naugle reiterated that they were spending time approving figures that were ultimately ignored. Vice Chairman Moore stated they were not being ignored, but showed what was projected and actual, and based upon the actual figures they were told to move accordingly.

Commissioner Hutchinson asked if there was enough assurance that when the bonds were sold there would be enough to cover the debt service. Ms. Jackson stated that was the key issue, and they needed to make sure that they could sell the bonds and there was a way to pay for them.

Vice Chairman Moore stated he did not feel that was up to staff, but was up to them to tell staff to include something in the budget. Chairman Naugle reiterated that the recommendation would ultimately be ignored.

Boe Cole, City Treasurer, stated that one of the points that needed to be raised was that they were discussing back-out pledges, and not back-out transfers.

Vice Chairman Moore stated that this needed to be put on the table when the millage rate was to be discussed.

Commissioner Trantalis stated that the item left blank was a strategic move on the part of the CRA. Ms. Jackson stated that was not true. She stated that Boe Cole, when reworking the finance plan, had been directed to identify what monies had to be spent this year and what amount remained. Since the CRA had monies

available, they did not need the cash at this time. She remarked that the CRA was doing very well, and they only counted on having funds available to conduct their business and leveraging more funds. She stated they could meet their own debt service at this time.

Civil Engineering and Land Surveying Professional Services Consultants

Vice Chairman Moore asked if this was the company involved with the 23 Avenue matter.

Greg Kisela, Assistant City Manager, explained they were the engineer of record for the project at NW 21 Avenue.

Vice Chairman Moore asked if there was a question regarding the engineering outcome of that project. Mr. Kisela stated they were doing a peer review of the design to see if there had been any errors or omissions.

Vice Chairman Moore stated that he was not saying that they should not negotiate with anyone due to being under a peer review, but he wanted everyone aware of the fact that they had done a major project which now caused homes to flood and that this particular engineer had been involved in such project.

Commissioner Trantalis left the meeting at approximately 3:50 p.m. and returned at 3:51 p.m.

Chairman Naugle asked Peter Feldman if he was concerned about this matter due to the fact that he had served on the committee.

Peter Feldman stated that the committee had recommended the two top-ranked firms, and great presentations had been given at the time.

Vice Chairman Moore reiterated that he just wanted everyone aware of the situation.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve negotiations and the entering into a contract with the top two-ranked professional firms for civil engineering and land surveying services. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Chairman Naugle. NAYS: None.

Appropriation to Repay \$200,000 Sunshine State Governmental Financing Commission Post Office Loan Principal

Motion made by Commissioner Hutchinson and seconded by Vice Chairman Moore to appropriate \$200,000 from the reserve in order to fund an early

reduction in the outstanding loan. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, Hutchinson, and Chairman Naugle. NAYS: None.

Negotiate a Contract with The Goodman Corporation to Prepare and Submit Documentation Required to Obtain a Letter of No Prejudice

Motion made by Commissioner Hutchinson and seconded by Vice Chairman Moore to approve CRA amending the Interlocal Agreement with the DDA to allow for negotiating and entering into a subcontract with The Goodman Corporation for a fee not to exceed \$100,000 for the preparation and submittal of documentation to obtain a Letter of No Prejudice.

Vice Chairman Moore stated that he was confused regarding the “no prejudice” situation, and believed it was important so they could have the ability of obtaining funding from the Federal Government for dollars spent on projects. He stated he was concerned about the amount of money they would be paying. He stated further that the Subarea Mobility Study had begun with a number of governmental entities, and now when they got to the issue of prejudice, they were pulling out and paying for \$100,000 of its service, along with the DDA paying for their prejudice letter in the amount of \$120,000 for the south side. He explained that the DDA also had jurisdiction over the north side, and asked why the CRA was paying the full load. He further asked if they would still be covered since this was the same consultant that the DDA was contracting with.

Kim Jackson, Director CRA, stated that the Subarea Mobility Study largely concentrated on the general RAC area, but included transit loops that went to various sections. She explained that was the study to define where the transit loops would be located and options were discussed. She further explained that the next step was the leveraging of actual construction.

Ms. Jackson explained that even though this was a follow-up and component of the Subarea Mobility Study, the consultant was taking the pieces of what was to be built, and making sure they would be built so they could leverage Federal funding. She further explained that there has been no true negotiations between the CRA and the DDA on what the contracts said, nor had they been between the two of them and Mr. Goodman. She stated there was a chance that the scope and the DDA funds could be leveraged to the area, but they would only go to their geographic boundary which would not cover the Northwest section, and that was why they were doing that area.

Vice Chairman Moore stated that the Subarea Mobility Study could not work unless the northwest was included. He stated that the only way they could get their funding would be to show the connection of the entire system. He further

stated that if WRT was being paid the money to do the streetscape, why did they not review the Federal regulations that stated what had to be included in order to receive the funding.

Barry Goodman explained that he had met with the City Commission and discussed the opportunity the City had due to their commitment for better neighborhoods, better pedestrian areas, and revitalization. He stated that they needed to protect that commitment with Federal reimbursement because their objectives included the same ones stated in the CRA, and therefore, funding was available to pay for the same things they were paying 100% for on a daily basis. He stated that they would be using an investment that was created within the community because they created a master plan which linked together improvements.

Mr. Goodman continued stating that their role in the RAC process was to look at the mobility planning being done and to comment. Shortly after that, the DDA engaged them to protect their \$7.8 Million proposed investment and the streetscape on 2nd Street, along with their proposal for the demonstration project of advanced technology regarding an east/west linkage. He explained they were attempting to protect with the Letter of No Prejudice the investment of the DDA. He explained further that they were also attempting to reshape the RAC plan to be more responsive regarding potential ridership, and identifying technology which would be suitable for the downtown area. He stated they were proposing that the City protect their investment and either reimburse themselves 80% for the portion of the investment which was eligible from Federal funding or use it to leverage additional funds.

Mr. Goodman stated the question was why these firms retained to consider such plans did not contemplate these items, and the answer was because they were not familiar with such things. He explained that it took time and energy to package the data information developed by the engineers in a way that the Federal transit administration would accept, showing the nexus between the improvements and the increasing ridership for transit. He felt what they were proposing could accrue millions of dollars of benefit for the City.

Vice Chairman Moore reiterated that he did not feel that justified spending \$100,000. Chairman Naugle stated that it would not justify spending the money only for a Letter of No Prejudice, but did help in assistance for identifying funds and the development of the strategy to obtain such funds which the City had not been successful in doing in the past.

Gerry Marston, WRT, stated that Federal funding was not normally a part of their planning and design services, but there were funding experts available. Vice Chairman Moore stated he was not referring to funding, but the quality of the development and what was to be included in streetscapes so the Federal Government would reimburse the City. Mr. Marston stated he could look up the

criteria. Vice Chairman Moore asked if that should not have been included in their existing contract. Chairman Naugle remarked what was not included was the development of a strategy to go to Washington to obtain the funds.

Commissioner Teel left the meeting at approximately 4:05 p.m.

Mr. Goodman reiterated that they needed to create a master plan that would be different than a typical engineering design process, and should be geared towards demonstrating how they would increase pedestrian access to transit and quantifying those benefits in regard to reduced vehicle miles traveled, reduction in pollution, and reduction of energy useage.

Chairman Naugle stated that this individual had been successful in getting the funds for the water taxis which were a huge success. Vice Chairman Moore stated he was not arguing that fact, but was discussing the price and felt they should have utilized the five-year approach in this matter.

Mr. Goodman further stated that due to the fact that they had been retained by the DDA to protect investments on another corridor, there would be economies of scale. Therefore, the \$100,000 was a proposal that was given to Ms. Jackson as an independent, freestanding proposal based on the work they had done around the country.

Commissioner Teel returned at approximately 4:08 p.m.

Roll call showed: YEAS: Commissioners Teel, Trantalis, Hutchinson, and Chairman Naugle. NAYS: Vice Chairman Moore.

Update for NE 6th Street/Sistrunk Boulevard Streetscape and Urban Design Enhancement Project

Vice Chairman Moore left the meeting at approximately 4:12 p.m. and returned at 4:18 p.m.

Gerry Marston, principal with WRT, stated there were two pieces to this project. One was the streetscape design, and the second was the corridor redevelopment. He stated further that he would be addressing all issues in connection with the streetscape design and where they stood currently in the concept. Mr. Marston further stated that the overall objectives to redesign and rebuild Sistrunk Boulevard was a part in making the project successful. He stated that public meetings had been held, and presentations were made to the Advisory Board.

Mr. Marston proceeded to show on a map the existing traffic lights, and indicated that traffic circles could be constructed in some areas. He explained there would be two phases to the project. The first phase was the NE 6th Street area

encompassing Federal Highway to Andrews Avenue. The second phase involved Sistrunk Boulevard from Andrews Avenue to NW 24th Avenue. We are thinking of that to be two phases: (A and B). Mr. Marston continued to show those areas on the map.

Mr. Marston showed the improvements that were being planned for the area. He remarked that in the Sistrunk area they would use an Afro-centric theme and proceeded to show the symbols and art work that would be used. Essentially, he explained their project would pave 8 1/2 feet of sidewalk, along with the grid in the middle. He explained there were also opportunities for art in public places and there was an interest in the community for doing a series of commemoratives regarding black individuals, along with a walk commemorating those people.

Mr. Marston further stated that regarding 6th Street they were working on two different types of roadway sections. The current right-of-way was 40' and the first phase would be to increase the right-of-way to 60' by acquiring 20' of property on the south side of the street. He explained there would be a narrower sidewalk on the north side. Eventually as the CRA acquired the 10' needed on the north side, they could then add parking, landscaping, and additional sidewalks. He stated this would allow the project to move forward without acquiring property on the north side at this time.

John Fernsler, principal of WRT, stated that he was going to discuss what happened outside the right-of-way. In contrast to the detailed engineering and streetscape design inside the right-of-way, they could not control what happened along the corridor regarding land uses and redevelopment, but they could influence what happened through their development guidelines and the incentive packages. He stated there were questions they asked themselves regarding the development of the program and plan for the corridor.

1. What was the market in the shorter and longer terms?
2. What were the associated land uses which were marketable and that would be complimentary to the neighborhoods?
3. What were the development prototypes?
4. What were the appropriate design guidelines to make it a real place?

Mr. Fernsler stated there was good news and bad news in regard to the first question. He stated the major retail corridor would not come back as it once was due to the fact there was little demand for retail in the area, as well as the psychological barriers which had inhibited reinvestment for the area. He stated that from a regional perspective, the good news was that this County needed to add 15,000 housing units annually in order to keep up with growth, and they were virtually out of green space at the western fringe. Therefore, the only place for that growth would be in older neighborhoods which were capable of accommodating infill and redevelopment. He felt there was a tremendous

opportunity for the introduction of new households, and as they expanded the income in the neighborhood, they would then see specific opportunities for retail.

Mr. Fernsler stated that the basic premise for the concept of land use was in regard to a mixture of land uses, expansion of the local income which could lead to appropriate neighborhood uses at strategic locations and not scattered throughout the corridor, and a major opportunity for higher intensity in regard to the construction of the 9th Street Connector. He stated an element of the concept was to link major public amenities to the corridor in an attempt to improve the quality of life.

Mr. Fernsler stated that in regard to the land use concept, they had 3 zones in their study area where they suggested a different mix, intensity, scale and character of development. One was at the western end where there were stable neighborhoods with narrow lot depths with less of a connection to the downtown area, and they felt the primary land use in that area should be low scale housing with limited walk-to stores. He stated that from 7th over they did not have the sensitive neighborhood conditions and had greater property depths, along with industrial uses. He felt those areas had the greatest opportunity for commercial development. He felt there could be a happy medium with equal commercial and residential with greater scale and massing.

Mr. Fernsler further stated that in regard to development prototypes, there were 3 types of development occurring that were stand-alone residential projects, standalone commercial with small neighborhood businesses, and the ideal mixed-use development. He explained that in order to see what prototypes should go where, they did an investigation of what was in the "pipeline" to give an indication of what the market was moving towards.

Mr. Fernsler explained they had looked at several opportunity sites for major redevelopment. He stated that basic design guidelines were discussed. He showed photographs of the 3 prototypes being considered. He stated that part of their work was to recommend modifications to the zoning to be able to build what was marketable.

Mr. Fernsler stated that they were dealing with a whole range of issues in regard to the design guidelines. He felt their build-to lines would expand the functionality of the sidewalks, but would still reduce the setbacks currently required. He stated that architectural designs were discussed to form the rhythm of the area, and reiterated that they were not mandating a consistent style, but the buildings should hang together. He stated they needed to encourage the use of awnings and cornice lines to give a feel of the urban character. He reiterated that they were encouraging creativity and experimentation in architecture, especially African themed elements along Sistrunk Boulevard.

Commissioner Trantalis asked if they intended to continue the concept of imbedded art themes in the sidewalks to Federal Highway. Mr. Fernsler confirmed, and stated it was up to the CRA and the Board to begin formulating the program.

Chairman Naugle asked what was the cost difference between the 3" and 12" pavers. Mr. Fernsler stated the cost difference was about 10%.

Vice Chairman Moore stated when this had been presented to the public, no one objected to the project, and he was very pleased with WRT, especially with the walkway and the African themes. Therefore, the history of the community could be encapsulated.

Mr. Fernsler congratulated Pamela Adams for getting 158 individuals to attend the public meeting.

Peter Feldman stated that the meeting had been magnificent and he congratulated the City Manager for leading them down the path for the last 3 years toward fruition.

Chairman Naugle stated that when the plans had first come out regarding Broward Boulevard, he thought the street features were smaller than what he had envisioned. Vice Chairman Moore stated that so much in that area had "missed the mark."

Mr. Fernsler stated they were planting large trees in the area and were not squeezing plants in areas that were not appropriate.

Ms. Jackson stated that the RFP would go out on Monday, July 21, 2003.

There being no further business to come before this Board, the meeting was adjourned at 4:37 p.m.

